

### III. REMARKS

1. Claims 1 through 39 remain in the application. Claims 1, 21, 24, and 28 have been amended.

Claim 24 has been amended to correct a just noticed typographical error. The amendment is not limiting, is not made for reasons related to patentability, and does not raise issues of estoppel.

2. Applicant wishes to express appreciation for the remarks provided by the Examiner in the Advisory Action dated April 3, 2003, stating that amending the claims to state "selecting the pitch predictor order" would overcome the prior art rejections. Applicant has amended the independent claims accordingly.

3. Applicant respectfully submits that claims 1-39 are not anticipated by Matsumoto et al. (US 5,819,212, hereinafter "Matsumoto").

Matsumoto fails to disclose or suggest using the determined coding efficiency to select a pitch predictor order for the selected coding method, if the audio signal is coded on the basis of a predicted signal in the selected coding method, as recited in claims 1, 21, and 27.

The principal concept of Applicant's invention is to enable coding of any signal while achieving the best possible quality by selecting a pitch predictor order using the coding efficiency. The selection of the pitch predictor order at the encoder is transmitted to the decoder for use in decoding the signal because the decoder needs to select the same pitch predictor order as was used for encoding. Therefore, the

transmitted signal must carry this information from the encoder to the decoder.

Matsumoto discloses a method and apparatus for coding a speech signal where the input speech signal is first split into two parts, a low-frequency and a high-frequency part, and each of these parts is then coded by using a pitch predictor. Matsumoto further discloses using a different pitch predictor on the different parts (bands) so that the predictor is best suited to the band to be encoded.

However, Matsumoto fails to teach selecting a pitch predictor order so that the signal can be coded most efficiently, and therefore Matsumoto fails to teach the Applicant's claimed invention. More specifically, Matsumoto fails to determine the coding efficiency of the predicted signals, and therefore cannot select a pitch predictor order based on the coding efficiency of the predicted signals.

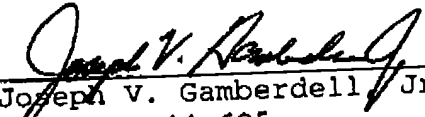
Furthermore, in Matsumoto the pitch predictor order is fixed, or at least there is no teaching that it could be variable. For this reason, Matsumoto can not, and does not, produce a set of predicted signals using a set of pitch predictor orders. This is a central element in Applicant's invention as claimed which Matsumoto completely fails to teach or suggest. Consequently, Matsumoto cannot use the set of predicted signals to determine the coding efficiently and to select the pitch predictor order to be used.

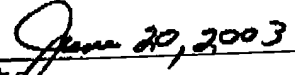
At least for these reasons, Applicant respectfully submit that Matsumoto does not anticipate independent claims 1, 21, 27, and their dependent claims 2-20, 22-26, and 28-39.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
Joseph V. Gamberdell, Jr.  
Reg. No. 44,695

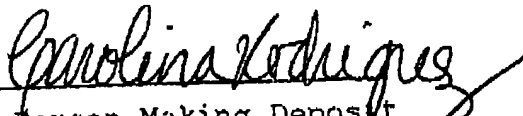
  
Date June 20, 2003

Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06824  
(203) 259-1800  
Customer No.: 2512

#### CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to 703/872-9314 the date indicated below, addressed to the Box AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: 6/20/03

Signature:   
Person Making Deposit